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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|--------------------------|---------------------|------------------|
| 10/607,165 | 06/27/2003 | Maurice Johan Jozef Haan | 0142-0407P | 5584 |
| 2292 | 7590 | 07/28/2004 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | VO, ANH T N | |
| PO BOX 747 | | | ART UNIT | |
| FALLS CHURCH, VA 22040-0747 | | | PAPER NUMBER | |

2861

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,165

Applicant(s)

HAAN ET AL.

Examiner

Anh t.n Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/27/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The references cited on PTO 1449 have been considered

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objection

Claim 10 objected to because of the following informalities: "ajd" at line 2 should be changed to --and--.

Claim 12 is objected to because it does not recite clearly the preamble and the body of the claims.

Correction is required.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 , 8-9 and 11-12 are rejected under 35 USC 102 (a) as being anticipated by Tanaka (JP Pat. 60-240456).

Tanaka discloses in Figures an ink reservoir comprising:

- a casing (21) having a bottom wall and a front wall with an opening provided therein;
- and a bag (22) disposed in said casing (21), said bag being collapsible into a sheet-like configuration and having a top wall, a bottom wall, a front edge and a spout (ink flow path) provided in a central region of said front edge and located at the position of said front wall opening, wherein the width (W) of the top and bottom walls of the bag, when measured in a flat, sheet-like configuration and in the direction of the front edge, is larger than the width of the casing, and the front wall opening is located near the bottom wall of the casing (see Figures and Constitution);
- 2 wherein the spout (ink flow path) is fixedly held in the opening of the front wall of the casing (21);
- 8 wherein the bottom wall of the bag (22) is stiffer than the top wall (see Figures);
- 9 wherein the width of the bag (22) corresponds to the width of the casing plus twice the height of the casing (21), and the bag (22) is disposed in the casing (21) in a U-shaped configuration with two side portions thereof being bent upwardly into the vicinity of a top wall of the casing;
- 11 wherein the casing is shells welded together at a weld seam which composed of two cup-shaped surrounds the bag disposed in the casing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 10 is rejected under 35 USC 103 (a) as being unpatentable over Tanaka (JP Pat. 60-240456) in view of Christine et al. (US Pat. 6,105,821).

Tanaka discloses the basic features of the claimed invention were stated above but does not disclose the ink tank comprising the top wall and the bottom wall of the bag that are interconnected by an inwardly projecting fold at the front edge of the bag, and the spout is incorporated in a seal provided between the bottom wall and a lower flap of the fold; wherein another inwardly projecting fold interconnects the top wall and the bottom wall at a rear edge of the bag ; wherein the top wall and the bottom wall of the bag are directly interconnected by seals extending along lateral edges of the bag; wherein the spout has a retaining piece which has a lens-shaped cross section and is inserted between wall portions of the bag, which form a seal; and a collapsible induction fitment extending from the top wall of the casing and into the interior of the casing.

Christine et al. disclose in Figures 1-4d a dispensing container comprising:

- wherein the top wall (37) and the bottom wall (39) of the bag (1) are interconnected by an inwardly projecting fold at the front edge of the bag, and the spout (3) is incorporated in a seal (15) provided between the bottom wall and a lower flap of the fold (Figures 1 and 3a-3b, column 3, lines 55-56);
- wherein another inwardly projecting fold interconnects the top wall and the bottom wall at a rear edge of the bag (Figure 1).

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- wherein the top wall (37) and the bottom wall (39) of the bag (1) are directly interconnected by seals (15, 17, 19, 20a) extending along lateral edges of the bag (Figures 13a-3c);
- wherein the spout (3) has a retaining piece which has a lens-shaped cross section and is inserted between wall portions (37, 39) of the bag (1), which form a seal (15) (Figures 1 and 3a-3c); and
- a collapsible induction fitment (7) extending from the top wall of the casing (5) and into the interior of the casing (Figures 1 and 4a-4b).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Christine et al. into the Tanaka ink reservoir for the purpose of providing flexible sheets that is folded inwardly to form an ink bag having a discharge fitting to secure the bag.

Claim 7 is rejected under 35 USC 103 (a) as being unpatentable over Tanaka (JP Pat. 60-240456) in view of Nakamura et al. (US Pat. 6,220,702) and Shimizu (US 2001/0040612).

Tanaka discloses the basic features of the claimed invention were stated above but does not disclose the ink tank comprising the wall material of the bag that has a laminated structure including at least two layers of synthetic resin with a metal layer interposed therebetween.

Nakamura et al. disclose in Figures 1a-4d an ink bag comprising the wall material of the bag has a laminated structure including at least two layers (15, 17) with a metal layer (16) interposed therebetween.

Shimizu discloses in Figure 11 an ink bag comprising the wall material of the bag (9a) that has a laminated structure including at least two layers of synthetic resin (page 14 at [0184]).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Nakamura et al. and Shimizu et al. into the Tanaka ink reservoir for the purpose of increasing strength of walls of the ink pack.

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CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 8:00 A.M. to 6:00 P.M. The fax number of this Group 2861 is (703)872-9306.

A handwritten signature in black ink, appearing to read 'Anh T.N. Vo', is positioned above the printed name and title.

**ANH T.N. VO
PRIMARY EXAMINER**

July 22, 2004